IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1450 of 2007 (S/S)

Devi Singh Maher
S/o Sri Lakhi Ram
Posted as Live Stock Extension Officer
in Artificial Insemination Centre,
Government Veterinary Hospital,
Gyansu (Sadar), Uttarkashi.

……. Petitioner

Versus

1. State of Uttarakhand
   through the Secretary
   Deptt. of Animal Husbandry, Milk
   And Fisheries, Secretariat, Dehradun.
2. Mr. T.S. Rawat, Minister for
   Animal Husbandry, Milk and Fisheries Deptt.,
   through Secretary Secretariat Husbandry,
3. Deputy Director, Animal Husbandry,
   Uttarakhand, Pauri.
4. Chief Veterinary Officer
   District Govt. Veterinary Hospital,
   Uttarkashi.
5. Veterinary Officer,
   Government Veterinary Hospital,
   Gyansu (Sadar), Uttarkashi.

…….. Respondents

Mr. C.D. Bahuguna, Advocate for the petitioner.
Mr. N.P. Sah, Standing Counsel for respondents No. 1, 3, 4 & 5.

Hon. Prafulla C. Pant, J.

Heard learned counsel for the petitioner and learned Standing Counsel for the respondent State.

2) By means of this writ petition, the petitioner has sought writ in the nature of certiorari quashing the order

dated 11.09.2007, passed by respondent No. 3, whereby the representation of the petitioner is rejected, and order dated 31.07.2007, passed by respondent No. 5, whereby the petitioner is transferred from Gyansu to Maanpur.

3) Brief facts of the case are that the petitioner Devi Singh Maher was initially Livestock Extension Officer at Maanpur (Uttarkashi). From the papers it also clear that one Yashpal Singh Rajwar was Livestock Extension Officer at Gyansu (Uttarkashi) and one Goving Singh Rana was Livestock Extension Officer at Medha (Uttarkashi). It appears that Yashpal Singh Rajwar proceeded for studies to G.B. Pant University, Pantnagar. On this, the petitioner Devi Singh Maher, who was Livestock Extension Officer, Maanpur, was asked to take over the charge of Livestock Extension Officer at Gyansu also (as Mr. Rajwar had gone to Pantnagar for some studies). Later, it appears that Govind Singh Rana, Livestock Extension Officer, Medha, was transferred to Maanpur against the post of Livestock Extension Officer there, as such, petitioner Devi Singh Maher had only charge of Livestock Extension Officer at Gyansu. While transferring Govind Singh Rana to Maanpur, it is directed in said order that he shall look after the work of Livestock Extension Officer, Medha, in addition to his work now assigned to him. It appears that Yashpal Singh Rajwar returned back from Pantnagar and was allowed to take over charge back at Gyansu. Consequently, impugned order dated 31.07.2007 appears to have been passed directing the petitioner Devi Singh Maher to go back to Maanpur. In the above circumstances, the

contention of the petitioner is that the post of Livestock Extension Officer at Maanpur is not vacant.

4) In the earlier round of litigation, petitioner filed Writ Petition No. 1193 (S/S) of 2007, and vide order dated 30th August 2007, the Deputy Director, Animal Husbandry, was directed to decide the representation of the petitioner. Said representation has been rejected vide order dated 11.09.2007.

5) Having heard learned counsel for the parties and after going through the impugned order dated 11.09.2007, passed by Deputy Director, Animal Husbandry, this Court is of the view that it is apparent that he has not addressed the problem narrated above. There should have been no problem in posting three officers in three different Stations. In the circumstances, this writ petition is disposed of quashing the order dated 11.09.2007, and directing the authority concerned to pass fresh order in the light of the above observations. (Interim relief application also stands disposed of, accordingly).

(Prafulla C. Pant, J.)

Dt. October 08, 2007.
H. Negi